

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, MARCH 23, 1999**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bernie Heier  
Larry Hudkins  
Bob Workman

Commissioners Absent: Linda Steinman

Others Present: Connie Ahlschwede, County Assessor's Office  
Bruce Medcalf, County Clerk  
Diane Staab, Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 16, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of March 16, 1999. On call Hudkins, Heier and Workman voted aye. Campbell abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

Approval of 138 additions and deductions to the tax assessment rolls per Exhibit A. (1999456)

**MOTION:** Workman moved and Hudkins seconded approval. On call Heier, Campbell, Hudkins and Workman voted aye. Motion carried.

- 3) **APPROVAL OF MOTOR VEHICLE TAX EXEMPTIONS:**

Cedars Youth Services  
Clyde Malone Community Center  
Havelock Assembly of God  
The Salvation Army

**MOTION:** Heier moved and Workman seconded approval of motor vehicle tax exemptions for Cedars Youth Services, Clyde Malone Community Center and Havelock Assembly of God and to approve a motor vehicle tax exemption for The Salvation Army subject to the vehicle being titled and registered to the applicant. On call Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **DISAPPROVAL OF A MOTOR VEHICLE TAX EXEMPTION:**

Pius X High School

**MOTION:** Hudkins moved and Heier seconded approval to accept the recommendation of the County Treasurer and deny the motor vehicle tax exemption for Pius X High School because the application was not timely filed. On call Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

5) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned.

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Bruce Medcalf  
County Clerk

**AGENDA**  
**LANCASTER COUNTY BOARD OF COMMISSIONERS**  
**TUESDAY, MARCH 23, 1999**  
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Commissioners Present: Kathy Campbell, Chair  
Bernie Heier  
Larry Hudkins  
Bob Workman

Commissioners Absent: Linda Steinman

Others Present: Bruce Medcalf, County Clerk  
Diane Staab, Deputy County Attorney  
Gwen Thorpe, Deputy County Clerk

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 16, 1999. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Hudkins moved and Heier seconded approval of the minutes of March 16, 1999. On call Hudkins, Heier and Workman voted aye. Campbell abstained. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, March 23, 1999.

**MOTION:** Workman moved and Heier seconded approval. On call Heier, Campbell, Hudkins and Workman voted aye. Motion carried.

- 3) **PUBLIC HEARINGS:**

A. Continuation of a public hearing in connection with a new application from Ely's Service Incorporated dba/Branches Oak Marina in connection with a Class M (Bottle Club) and a Class E (Beer Off Sale Only) liquor license for Branches Oak Marina located at 10001 West Davey Road in Lancaster County, Nebraska. (1999326) (1999394) (1999351) (1999511)

The Chair reconvened the public hearing and asked if anyone wished to provide additional testimony.

No one appeared.

Campbell stated that Mr. Phillips had indicated there is a possibility that the restaurant will be leased to another individual and asked if that person would have to apply for a liquor license.

Diane Staab, Deputy County Attorney, stated that while Mr. Phillips would hold the license for the restaurant, the lessee would need to apply for a corporate manager's license.

In response to a question asked by Workman, Staab referred to a letter (Exhibit A) from James Carney, Regional Manager at Nebraska Game and Parks Commission. She explained that the area around the lake is considered a public park and consumption of alcohol is prohibited, however, the lake is governed by the Corps of Engineer and is not governed by State law.

Workman stated Mr. Phillips indicated he may have a lessee for the restaurant and that it is also in his plans to enroll in the "Responsible Hospitality" workshop.

Staab noted for the record that letters have been received from the County Engineer's office, the County Sheriff's office and the Nebraska Game and Parks Commission which have been marked as Exhibits "A", "B" and "C".

Campbell closed the public hearing.

**MOTION:** Workman moved and Hudkins seconded to approve Resolution 99-511 for a Class E and a Class M liquor license for Ely's Service Inc. doing business as Branched Oak Marina with the following conditions: 1) Retail packs or cartons shall not be divided for individual sales and 2) One manager shall attend the "Responsible Hospitality" workshop within six months of obtaining the license.

Heier cautioned that he doesn't want the County Board to become involved in the governing of retail sales. He stated he is concerned that the restriction on the sale of single cans of beer may promote the sale of larger quantities.

Workman stated he realized that by placing conditions on liquor licenses the County Board is not solving any problems. He said the Board is sending a message that they are not promoting individuals to purchase single cans of beer to take with them.

Heier inquired if two motions could be made. One regarding the license and the other pertaining to the conditions.

Staab stated the County Board needs to approve or deny the liquor license and make the recommendation to the Liquor Control Commission. She suggested a separate motion for the conditions and noted that the Liquor Control Commission will make the final decision.

Hudkins stated he would see two separate motions as separating the issues and that he wouldn't be in favor of the license if the conditions weren't applied.

Heier withdrew his request for two separate motions.

Campbell stated she supports the recommendations pertaining to the "Responsible Hospitality" workshop and the packaging. She stated she is concerned with the fact that the Board is waiting to hear from the Liquor Control Commission regarding any further recommendations on whether the Board may legally place conditions on a liquor license. She explained that if it is found that the Board may place conditions on liquor licenses she would propose that the Board review their liquor policy by holding a public hearing.

**ROLL CALL:** Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

Campbell suggested requesting an opinion from the County Attorney's office regarding recommendations/conditions in relation to liquor licenses and to also send a letter to the Liquor Control Commission indicating that the County Board is requesting clarification on the matter.

**MOTION:** Hudkins moved and Heier seconded to authorize the Chair of the County Board of Commissioners to draft a letter to the County Attorney's office requesting an opinion regarding the placement of conditions on liquor licenses. On call Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

4) **OLD BUSINESS:**

**A maintenance agreement with Great Plains Business Forms and Equipment Company for a check signer for the Clerk of the District Court, in the amount of \$325, beginning April 1, 1999 and ending April 1, 2000. (1999429)**

The Clerk stated the item was withdrawn at the request of the Clerk of the District Court.

5) **NEW BUSINESS:**

**A. A contract with Hartmann Construction Company for grading and culvert construction, in the amount of \$247,279.72, at the following locations: (1999470)**

- \* On North 1<sup>st</sup> Street from Fletcher Avenue north to McKelvie Road (Project C55-F-404(1))
- \* On East Fletcher Avenue from North 84<sup>th</sup> Street east to North 120<sup>th</sup> Street (Project C55-GH-403(2))

- \* On West Davey Road from Northwest 30<sup>th</sup> Street east to Northwest 14<sup>th</sup> Street (Project C55-C-227(1))

**MOTION:** Hudkins moved and Heier seconded approval. On call Workman, Hudkins, Campbell and Heier voted aye. Motion carried.

- B. A contract with L J Webb Contractor, Inc., in the amount of \$112,642.56, for culvert replacement and maintenance. (Project 99-13) (1999462)**

**MOTION:** Hudkins moved and Workman seconded approval.

Workman stated the original bid was \$144,000, however, it was reduced to \$112,600 because of the removal of three culverts.

**ROLL CALL:** Hudkins, Workman, Heier and Campbell voted aye. Motion carried.

- C. Recommendation from the Purchasing Agent and Lancaster Manor to award a bid for adjustable and fixed height dining tables to Pegler-SYSCO Food Service, in the amount of \$5,874, and to Sheppard's Business Interiors, in the amount of \$4,398.30. (1999468)**

**MOTION:** Hudkins moved and Workman seconded approval. On call Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

- D. Recommendation from the Purchasing Agent to award a bid for construction of a screened second floor deck addition for Lancaster Manor, to Dickey and Burham, Inc., in the amount of \$21,916. (1999469)**

**MOTION:** Workman moved and Hudkins seconded approval.

Campbell noted for the record that the idea for the deck came to the County Board from the Resident Council.

**ROLL CALL:** Heier, Workman, Hudkins and Campbell voted aye. Motion carried.

- E. A political subdivision tort claim filed against Lancaster County by Kelly Christie, on behalf of George Sadd, for injuries, in the amount of \$1,000,000. (1999510)**

Diane Staab, Deputy County Attorney, recommended denial of the claim. She explained that an investigation was conducted and there was no negligence on the part of the County or its employees.

**MOTION:** Hudkins moved and Heier seconded to accept the recommendation from the County Attorney's office to deny the claim filed against the County by Kelly Christie on behalf of George Sadd because there was no negligence on the part of the County or its employees. On call Campbell, Workman, Heier and Hudkins voted aye. Motion carried.

6) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

**A. Setting of a public hearing for Tuesday, April 6, 1999 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Board of Zoning Appeals, Appeal 106, requested by Gary W King, for a variance of the side yard from 51.25 feet to 20 feet on property located north of Martell Road, one-quarter mile east of South 148<sup>th</sup> Street in Lancaster County, Nebraska. (1999455)**

**B. Resetting of a public hearing for Tuesday, April 6, 1999 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding proposed changes to the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards, Section 6, Air Pollution Source Annual Fees. (1999398)**

**C. Contracts relating to road improvements with the following:**

- \* Harold and Helen Busboom on West Fletcher Avenue near Northwest 112<sup>th</sup> Street, in the amount of \$5,595.25 (1999463)
- \* Kenneth Minzel on West Fletcher Avenue near Northwest 112<sup>th</sup> Street, in the amount of \$10 (1999504)
- \* Yvonne E and Earnest McGill on Branched Oak Road near North 98<sup>th</sup> Street, for a land donation (1999501)
- \* J Steve and Lynn E Nordstrom on Branched Oak Road near North 98<sup>th</sup> Street, in the total amount of \$100.90 (2 contracts) (1999502) (1999503)
- \* Gerald L and Janice C Halling on Davey Road near North 112<sup>th</sup> Street, in the total amount of \$120.50 (2 contracts) (1999505) (1999506)
- \* Bonnie A Schwartz on North 1<sup>st</sup> Street near Humphrey Avenue, in the total amount of \$1,067 (3 contracts) (1999507) (1999508) (1999509)

**MOTION:** Workman moved and Heier seconded approval of the Consent Items. On call Heier, Workman, Campbell and Hudkins voted aye. Motion carried.

7) **ADJOURNMENT:**

**MOTION:** Heier moved and Hudkins seconded adjournment of the Board of Commissioners meeting. On call Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

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Bruce Medcalf  
County Clerk